

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NY 10007

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

(212) 805-0194

August 24, 2020

James R. Martin
Zelle LLP
1775 Pennsylvania Avenue NW, Suite 375
Washington, D.C. 20006

Re: In re LIBOR-Based Financial Instruments Antitrust Litigation
11-md-2262 (NRB)
Federal Deposit Insurance Corp. as Receiver for Amcore Bank et al. v.
Bank of America Corp. et al.
14-cv-1757 (NRB)
Federal Deposit Insurance Corp. as Receiver for Doral Bank et al. v.
Bank of America N.A, et al.
18-cv-1540 (NRB)

Dear Mr. Martin:

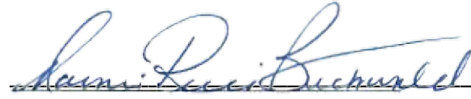
I have carefully reviewed your letter of July 27, 2020 (ECF No. 3131) and compared it to the language of the Notices of Voluntary Dismissal and Stipulations of Voluntary Dismissal (ECF Nos. 3117, 3118, 3119, 3120), which were the subject of the conference of July 7, 2020. Whether or not my expressed concern that the plaintiffs were trying to manufacture appealable orders without meeting the requirements of Fed. R. Civ. P. 54(b) or 28 U.S.C. § 1292(b) were well-founded, the explanation of your intent in your July 27, 2020 letter does not line up well with the language of the Notices and Stipulations, and thus my disinclination to “so-order” them remains.

Turning to the expressed purposes of the Notices and Stipulations, as described in your July 27, 2020 letter, you state that you wish “to avoid any question that the 19 dismissed receiverships may participate in any settlements of class claims.” What class claims are you referring to? Also, are you waiving any right of the 19 dismissed receiverships to participate in any settlement of the cases brought by the FDIC as Receiver? Clarification on both of these questions would be helpful. You further stated: “In addition, the FDIC-R wishes to preserve its rights in the event that circumstances warrant refiling claims for one or more receiverships.” From the Court’s perspective, in a case of this vintage, that is not an option.

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Lastly, the Court is more than willing to continue this dialogue with you and the relevant defendants.

Very truly yours,

A handwritten signature in blue ink, reading "Naomi Reice Buchwald", is written over a horizontal line.

Naomi Reice Buchwald
United States District Judge

cc: Counsel for defendants in the above-captioned matters (via ECF).